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F. #2020R00142

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

STIPULATION AND PROPOSED ORDER

- against -

No. 20-CR-87 (RPK)

KEITH LEVY,

Defendant.

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The United States of America and defendant KEITH LEVY (the “Defendant”) respectfully stipulate to the following facts and request that the Court enter an order revoking the Order Setting Conditions of Release as to the Defendant entered on March 17, 2020 (ECF No. 15) (the “Bail Order”):

1. On February 12, 2020, the Defendant was arrested pursuant to a federal arrest warrant and appeared before United States Magistrate Judge Lois Bloom. During that appearance, Judge Bloom entered a permanent order of detention pending trial. The Defendant was then transported and held as a pre-trial detainee at the Metropolitan Detention Center (the “MDC”).

2. On March 17, 2020, by and through his previously assigned counsel, the Defendant sought release from federal custody on his own recognizance “so that he [would] remain in custody on Rikers Island during the pendency of this action” pursuant to an outstanding New York State parole detainer. ECF No. 11. The Defendant also

“consent[ed] to the government lodging a federal detainer, which would prevent [the Defendant] from being released without notice to the United States Marshals.” Id.

3. On March 17, 2020, the parties appeared before Judge Bloom on the aforementioned motion for release. The government consented to the motion on the express condition that the Defendant be released only into the custody of New York State. Judge Bloom then entered the Bail Order, which directed that the Defendant be “released into State Custody only” pursuant to the state parole detainer.

4. On March 18, 2020, a federal detainer was lodged against the Defendant.

5. On April 10, 2020, by and through his previously assigned counsel, the Defendant requested “that he be transferred back to federal custody” by “reinstating the permanent order of detention and asking the government to writ [the Defendant] into federal custody.” ECF No. 21. The Defendant also requested that “should the Court reinstate the permanent order of detention, the order be issued with leave to renew should circumstances change to allow [the Defendant] to present a more fulsome bail package to this court, and secure his release on the parole detainer.” Id.

6. On April 22, 2020, the government, the Defendant, the Defendant’s previously assigned counsel and the Defendant’s currently assigned counsel appeared before the Court. The Court ordered that the government “confer with the U.S. Marshal’s Service and . . . advise the Court by May 6, 2020, of the feasibility of the requested transfer.” ECF No. 25.

7. On May 5, 2020, the Defendant was transported from Rikers Island to the MDC pursuant to a writ of habeas corpus that was issued on April 30, 2020.

8. The Defendant, by and through his currently assigned counsel, Gordon Mehler, Esq., consents to revocation of the Bail Order for the sole purpose of effectuating his transfer to federal custody during the pendency of this matter, and expressly reserves all rights and remedies with respect to his ability to seek release from federal custody during the pendency of this matter.

WHEREFORE, the parties respectfully request that the Court revoke the Bail Order that was issued on March 17, 2020 and reinstate the permanent order of detention that was issued on February 12, 2020, with leave for the Defendant to make future applications for pre-trial release.

Dated: Brooklyn, New York
May 11, 2020

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SO ORDERED
this ____ day of May, 2020

THE HONORABLE RACHEL P. KOVNER
UNITED STATES DISTRICT JUDGE